IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 21798 of 2007(T)

AGAINST THE ORDER IN EP 51/05 IN
OS.915/2001 of PRL.SUB COURT,THRISSUR

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PETITIONER:

UDAYAGEETHAM, AGED 26, NAMBIPARICHI
DHARMAN, VADANAPPILLY VILLAGE DESOM,
CHAVAKKAD TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. SREERAM HIRE PURCHASE, A PARTNERSHIP
FIRM, HAVING PRINCIPAL PLACE OF BUSINESS AT
DARUSSALEM COMPLEX, NATTIKA VILLAGE, CHAVAKKAD
TALUK, REP. BY ITS MANAGING PARTNER,
LEEBA SUKUMARAN, D/O.VATTEKKATT BALAN, ERATTUPUZHA
DESOM, ORUMANAYUR VILLAGE, CHAVAKKAD TALUK.

2. REGHULAL, S/O.NAMBIPARICHI DHARMAN,
VADANAPPILLY VILLAGE-DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 21798 OF 2007 T

Dated this the 16th July, 2007.

JUDGMENT

This writ petition is filed to issue an appropriate writ to correct Exts.P3 and P4 to the extent that only undivided interest is sold in court auction and delivery could only be symbolic in nature. At the outset I make it clear that I am not going into the merits of the case. If the writ petitioner has got valid right over the property and that has been interfered by the action of the court or its officials Order XXI CPC envisages appropriate remedies for such parties. If a person's legal right is infringed there are sufficient safeguards granted in the Civil Procedure Code itself and our Apex Court has even gone into the extent of holding that one need not wait till one is dispossessed. When such appropriate reliefs are provided this Court cannot entertain such applications under Article 227 of the Constitution of India and further that this Court cannot decide facts in a writ petition as well. Therefore leaving open all the rights which the petitioner is having to approach the appropriate court this writ petition is closed.

M.N.KRISHNAN
Judge

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